

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

(1) LESLIE BRIGGS, as next friend of T.W.
and B.S.;
(2) EVAN WATSON, as next friend of C.R.;
and,
(3) HENRY A. MEYER, III, as next friend of
A.M., for themselves and for others similarly
situated,

Plaintiffs,

v.

Case No.: 23-cv-00081-GKF-JFJ

(1) CARRIE SLATTON-HODGES, in her
official capacity as the Commissioner of the
Oklahoma Department of Mental Health and
Substance Abuse Services; and
(2) CRYSTAL HERNANDEZ, in her official
capacity as Executive Director of the
Oklahoma Forensic Center,

Defendants.

JOINT APPLICATION TO OBTAIN MEDICAL RECORDS OF PATIENTS

Applicants seek an order authorizing the release of confidential medical records and information, which may include mental health records, or alcohol or substance abuse records subject to 42 C.F.R. § 2.63 - § 2.67, from Oklahoma Department of Mental Health and Substance Abuse Services (“ODMHSAS”) for all incarcerated criminal defendants who have been adjudicated incompetent to stand trial and have been ordered to receive restorative services from ODMHSAS since January 1, 2021 for discovery related to the issues in the underlying case, including, but not limited to, what restorative treatments are taking place in in-jail settings.

In support of its application, Applicants state the following:

1. Applicant is seeking an order allowing for the release of all medical information and records, including mental health, alcohol and substance abuse records, concerning a patient

or former patient Oklahoma Department of Mental Health and Substance Abuse Services (“ODMHSAS”) for all incarcerated criminal defendants who have been adjudicated incompetent to stand trial and have been ordered to receive restorative services from ODMHSAS since January 1, 2021, for the purpose specified above.

2. This information is considered confidential and privileged and cannot be released without either consent of the former patient or a court order. *See* 42 C.F.R. §§ 2.1 *et seq.* and 43A O.S. § 1-109.

3. This information is necessary for discovery related to the issues in the underlying case, including, but not limited to, what restorative treatments are taking place in in-jail settings. Other ways to obtain this information are not available and would not be effective.

4. The public interest and need for this disclosure outweigh any potential injury to the patient, the physician-patient relationship, and treatment services.

5. Applicants have given legal counsel for the Department of Mental Health and Substance Abuse Services notice of this application.

6. The Department of Mental Health and Substance Abuse Services do not object to this Application.

7. This Application, any Court Order issuing from this Application, and any other records of this proceeding which identify the name of the patient or former patient of ODMHSAS that is the subject of this Application and resulting Order, shall be kept confidential as required by the Amended Stipulated Protective Order.

WHEREFORE, Applicants request that the above-described records be released to the undersigned counsel.

Respectfully submitted,

/s/ Devan A. Pederson

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/s/ Paul DeMuro – signed by D. Pederson with Permission

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*/s/ Nick Southerland – signed by D. Pederson with
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2023, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to counsel of record who are ECF registrants.

s/Devan A. Pederson

Devan A. Pederson